

5. (original) A bicycle seat shock absorber comprising:

a shaft for attaching to a bicycle frame;

a contoured flat spring having a first end and a second end wherein said first end is attached to said shaft;

a support member having a first end and a second end wherein said first end is attached to said spring and said second end is attached to said bicycle seat; and

a flexible first strap having a first end and a second end wherein said first end is connected to said spring first end and said second end is connected to said spring second end.

6. (original) The shock absorber of Claim 5 further comprising a flexible second strap having a first end and a second end wherein said first end is connected to said shaft and said second end is connected to said support member second end.

7. (cancelled)

8. (cancelled)

#### REMARKS

This amendment and remarks are intended to reply to the outstanding Office Action and have been addressed in the same general sequence as the Office Action.

#### **In re Drawings**

Original Drawing Sheet 1 showing Figures 1 and 2 have been deleted and Replacement Drawing Sheet 1 is submitted herewith incorporating the following amendments to Figure 1 and Figure 2.

In Figure 1, reference numbers "10" and "22" have been added to the drawings. Reference number "52" on the left of Figure 1 has been deleted. It was unintentional to have two different items designated reference number 52. The reference number "52" on the right side of Figure 1 is correct. Reference numbers 3 and 7 have been deleted from Figure 1. To address Examiner's statement that reference number "16" is not mentioned in the specification, Applicant would respectfully direct the Examiner to page 10, lines 16 and 17, as well as, page 13, line 27 where "arc 16" is discussed.

In Figure 2, reference number "10" has been added and reference numbers 1, 4 and 5 have been deleted.

In regard to the "countered flat spring" 14 shown in Figures 1 and 2, the spring 14 has generally 4 sides, a top (shown), a bottom (not shown), a first side (shown), and second side (not shown). The dotted line running the arc of spring 14 is drawn to indicate the edge between the top and first side. It is represented by the dotted line to show the edge is soft or slightly rounded as opposed to a sharp edge.

In regard to the description of Figure 2 in the specification, Applicant would point to page two of the Preliminary Amendment filed October 13, 2004 where Applicant amends the section entitled "BRIEF DESCRIPTION OF THE DRAWINGS", in which Applicant does refer to Figure 2.

Furthermore, reference numeral "12" which generally designates a bicycle has not been added to the drawings, but an appropriate amendment has been made in the specification to indicate that "bicycle 12" is not shown in the drawings.

#### **In re Abstract and Specification**

Applicant has amended the abstract accordingly removing the term "said" where appropriate. Applicant has further amended the specification in regard to the use of the

trademark DACRON. No new matter has been added by doing so; the Applicant does discuss on page 15 that DACRON is a polyester.

#### **In re Claim Rejections – 35 USC Section 112**

Claims 3 and 7 have been canceled making the issue of the term DACRON moot. Claim 4 has also been canceled making the issue with the term "attachment point" moot.

#### **In re Claim Rejections – 35 USC Section 102**

The Examiner has rejected Claims 1, 2, 5 and 6 as being anticipated by Nicholls. The Examiner essentially relies on the fact that "Nicholls shows a bicycle seat shock absorber". Applicant would very respectfully point out that Nicholls is not a shock absorber or spring in any fashion, but rather a completely static device for allowing a user to shoulder a bicycle as depicted in Figure 6 of Nicholls as a bicycle carrying assembly.

The item in Nicholls does nothing relative to the seat. It is strictly for carrying the bicycle in a convenient fashion. Granted, there are some similar visual details, but Applicant's is a spring/shock absorber, which is clearly not anticipated by Nicholls. Nowhere does Nicholls even mention the word "spring" or "shock absorbing". The term "flexible" as used in Nicholls refers to the pad placed on the users shoulder to carry the weight of the bicycle, it in no way functions as a spring.

Applicant would respectfully request the Examiner to once again look at Nicholls. It is believed that upon a closer inspection the anticipation refusal should be withdrawn and the application allowed to issue.

#### **In re Claim Rejections – 35 USC Section 103**

The Examiner has rejected Claims 3 and 7 as being unpatentable over Nicholls in view of Luck. Furthermore, the Examiner has rejected Claims 4 and 8 as being unpatentable over

Nicholls in view of Simon et al. These claims are dependent claims that are essentially adding limitations in regards to materials. Applicant has deleted these claims making the matter moot.

### CONCLUSION

Applicant has intended this to be a full response to the office action. Applicant believes the application is now in condition for allowance and earnestly seeks such by the Examiner. Applicant would welcome a call to address any issues or for further agreed amendments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Martin G. Ozinga", is written over a horizontal line.

Martin G. Ozinga, Reg. No. 44,992  
Phillips McFall McCaffrey McVay & Murrah, P.C.  
One Leadership Square, 12<sup>th</sup> Floor  
211 N. Robinson Ave.  
Oklahoma City, OK 73102  
(405)235-4100 ph (405)552-2476 fax  
[ip@phillipsmcfall.com](mailto:ip@phillipsmcfall.com)

Attorney for Applicant